Malcolm X Killers Lose State Appeal

ALBANY (AP)—The state's highest court rejected today the appeal of three Black Muslims convicted of assassinating former Black Muslim leader Malcolm X.

Thomas Hagan, Norman 3X Butler and Thomas 15X Johnson were convicted of first-degree murder in the slaying and sent to prison for life.

The three defendants contended their trial had been in error because the press and public had been barred from the courtroom during the testimony of two witnesses.

The judge had closed the courtroom after a lawyer for one witness had told the court that the witness had been threatened and feared for his life. The testimony of an FBI agent relating to the threatened witness also was heard in private.

The Court of Appeals said the fact the court was closed during a small part of the trial did not constitute reversible error. Besides, it said, the testimony did not contribute materially to the verdict.

Associate Judge Francis Bergan said in the unanimous opinion:

"In the balancing of policy and of interests if, for a good reason related directly to the management of the trial, the judge closes the courtroom as to the testimony of a witnesss and otherwise keeps it open to the press and public, a defendant is not necessarily dprived of a 'public' trial."

Malcolm X was shot to death Feb. 21, 1965, while speaking to some 300 followers in a New York ballroom. Three persons rose from the crowd and fired pistols and a sawed-off shotgun. The assassination occurred after Malcolm X had split from the Black Muslim movement and had formed his Organization of Afro-American Unity. He was killed on his 40th birthday.

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